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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twentieth session

SUMMARY RECORD OF THE 23rd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 11 May 1999, at 10 a.m.

Chairperson: Mrs. BONOAN-DANDAN

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GE.99-41801 (E)

The meeting was called to order at 10 a.m.

DAY OF GENERAL DISCUSSION (agenda item 9) (continued)

Adoption of draft General Comment No. 12 "Right to adequate food" (continued)
(revised version available in English only)

1. The CHAIRPERSON invited Mr. Texier, who had been asked to prepare draft General Comment No. 12 "Right to adequate food", to comment on the text.

2. Mr. TEXIER said that the draft General Comment was the fruit of collaboration between the Committee and numerous experts from specialized institutions and non-governmental organizations (NGOs). He particularly wished to thank Mr. Windfuhr (FIAN - Foodfirst Information and Action Network) and Mr. Moore (United Nations Food and Agriculture Organization - FAO) for their contributions to the preparation of an important draft which had been requested by a wide range of bodies and organizations, including the Office of the High Commissioner for Human Rights, the FAO, the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities. In its revised version, available in English only, the draft began with general considerations, then examined the legal content of the right to adequate food and concluded with a discussion of the ensuing national and international obligations.

3. Mr. MOORE (FAO) said that the draft General Comment had the approval of the FAO and that its adoption would be a big step forward.

4. Mr. WINDFUHR (FIAN - Foodfirst Information and Action Network) said that the draft was broadly based on the code of conduct drawn up by several hundred NGOs and that its adoption would help to define the right to food and to clarify the resulting obligations.

5. The CHAIRPERSON invited Mr. Riedel to present the English version of the revised draft paragraph by paragraph.

Paragraph 1

6. Mr. GRISSA proposed that in the last sentence of the paragraph the words "the rights" be replaced by "this right".

7. Paragraph 1, as amended, was adopted.

Paragraph 2

8. Mr. ANTANOVICH suggested that the word "their" in front of "examination" be deleted from the first sentence of the paragraph.

9. Mr. GRISSA proposed the deletion of the article "a" after "only" in the second sentence.

10. Paragraph 2, as amended, was adopted.

Paragraph 3

11. The CHAIRPERSON suggested deleting the expression "through its chairperson" in the penultimate sentence, together with the last sentence of the paragraph.

12. Paragraph 3, as amended, was adopted.

Paragraph 4

13. Following a comment by Mr. WIMER, to which Mrs JIMÉNEZ BUTRAGUEÑO, Mr. SADI and Mr. RIEDEL subscribed, the CHAIRPERSON proposed that in the second sentence the wording following "other rights" in the second line of the paragraph be replaced by "enshrined in the Universal Bill of Human Rights".

14. Mr. AHMED proposed that the words "and indispensable for" be inserted in the second sentence after the expression "inseparable from".

15. Mr. ANTANOVICH suggested linking the first two sentences by adding the term "and".

16. Paragraph 4, as amended, was adopted.

Paragraph 5

17. Further to a comment by Mr. WIMER, the CHAIRPERSON proposed that in the second sentence the word "particularly" be replaced by "most of them".

18. Paragraph 5, as amended, was adopted.

Paragraph 6

19. Paragraph 6 was adopted.

Paragraph 7

20. Mr. CEAUSU considered the text rather abstract. It should be made simpler and more precise. In particular, the meaning of the expression "at all times" at the end of the second sentence, in the fifth line of the paragraph, should be clarified.

21. Mr. MOORE (FAO) proposed that "at all times" be replaced by "for the present and future generations".

22. Paragraph 7, as amended, was adopted, subject to minor editorial changes.

Paragraph 8

23. Mr. GRISSA proposed that the phrase "many persons with persistent medical problems, and the mentally ill" in the third line of the last sub-paragraph be replaced by "persons with health problems, including the mentally ill".

24. Paragraph 8, as amended, was adopted.

Paragraph 9

25. Mr. GRISSA proposed that the word "Nevertheless" at the beginning of the last sentence, fourth line, be deleted.

26. Paragraph 9, as amended, was adopted.

Paragraph 10

27. Mr. HUNT proposed that the words "natural or other disasters" be substituted for "natural or man-made disasters" in the last line.

28. Paragraph 10, as amended, was adopted, subject to minor editorial changes.

Paragraph 11

29. Mr. GRISSA noted that the paragraph referred to measures to be taken at different levels. It should be made clear what those levels were.

30. The CHAIRPERSON proposed that it be made clear that those were the different levels of obligations of States parties.

31. Mr. ANTANOVICH and Mr. TEXIER proposed that the last sentence in square brackets be deleted, particularly as the next two paragraphs explained the circumstances in which it was possible to speak of violation of the right to adequate food.

32. Paragraph 11, as amended, was adopted.

Paragraph 12

33. Paragraph 12 was adopted.

Paragraph 13

34. Mr. CEAUSU proposed that the paragraph be amended to make it clear that it was not only access to adequate food that could be the subject of discrimination but also the means and the rights to obtain it.

35. That proposal was accepted.

Paragraph 14

36. Mr. SADI said he was puzzled by the meaning of "active denial" in the third line. How was "active" to be understood?

37. Mr. WIMER noted that, in general, a bilateral agreement was entered into with another State and a multilateral agreement with international organizations. Consequently, there was no need to specify that those agreements were entered into "with other States or international organizations". Those words should be deleted.

38. Mr. RIEDEL supported that proposal and also suggested deleting the adjective "active" in the expression "active denial".

39. Paragraph 14 was adopted with those two amendments.

Paragraph 15

40. Mr. RIEDEL, Mr. GRISSA and Mr. WIMER proposed that the paragraph be deleted since the Committee should concern itself with the obligations of States and not of civil society, a term whose meaning was in any case rather vague.

41. Mr. MOORE (FAO), on the other hand, considered that deleting that paragraph would make the text unbalanced and proposed, as a compromise, that a new sentence reading "States parties should create a climate designed to facilitate the exercise of these responsibilities" be inserted after the first.

42. Mr. ANTANOVICH was also in favour of keeping the paragraph, but proposed that all references to ethics be deleted from the last sentence.

43. Paragraph 15 was adopted with those two amendments.

Paragraphs 16 to 21

44. Those paragraphs were adopted, subject to a few minor editorial changes.

Paragraph 22

45. Paragraph 22 was adopted.

Paragraph 23

46. Mr. SADI proposed the addition of the word "specially", since adequate food should be provided for all, but more especially for the most vulnerable.

47. Paragraph 23, as amended, was adopted.

Paragraphs 24 to 28

48. Paragraphs 24 to 28 were adopted.

Paragraph 29

49. Mr. PILLAY proposed the deletion of the words "bar associations" and "the legal community" which were already included in the formula "lawyers, judges and adjudicators".

50. Mr. WIMER ZAMBRANO asked for an explanation of the meaning of the word "adjudicators" in English.

51. Mr. RIEDEL proposed keeping only "lawyers, judges and adjudicators". He explained that the word "adjudicator" was used of anyone who, without being a judge, had responsibility for settling disputes (mediator, ombudsman, etc.).

52. At the end of a discussion in which Mr. SADI, Mr. CEAUSU and Mr. MOORE all participated, the CHAIRPERSON proposed that "adjudicators" be replaced by the expression "other members of the legal community" if, after verification, the term proved to have no direct equivalent in the Committee's other working languages.

53. Paragraph 29, as amended, was adopted, subject to the above-mentioned verification.

Paragraphs 30 and 31

54. Paragraphs 30 and 31 were adopted.

Paragraph 32

55. Mr. CEAUSU proposed that the words "conditions for food production and" be added at the end of the first line.

56. After a discussion in which Mr. PILLAY, Mr. SADI and the CHAIRPERSON participated, it was decided to substitute "recalls its position" for "affirms its convictions" in the third line.

57. Paragraph 32, as amended, was adopted.

Paragraph 33

58. Mr. SADI noted that the correct expression was "joint and several", not "joint and separate".

59. Paragraph 33, as amended, was adopted.

Paragraph 34

60. Paragraph 34 was adopted.

Paragraph 35

61. At the end of a discussion in which the CHAIRPERSON, Mr. ANTANOVICH, Mr. RIEDEL and Mr. SADI participated, it was decided to add a mention of UNDP, ILO and UNESCO after the reference to UNICEF in the sixth line.

62. Mr. CEAUSU proposed that the words "building on their respective expertise" (end of paragraph) be moved and placed after the word "effectively" in the penultimate line.

63. Paragraph 35, as amended, was adopted.

Paragraph 36

64. Paragraph 36 was adopted.

65. The draft General Comment as a whole, as amended, was adopted, subject to the verifications indicated and possible editorial corrections.

66. Mr. MOORE (FAO) congratulated the Committee on working so effectively. The adoption of a General Comment on the right to adequate food was the first concrete realization of one of the principal commitments made by global leaders at the 1996 World Food Summit. That document laid the foundations for the future work of the FAO and for cooperation between that organization and the Committee on Economic, Social and Cultural Rights. He hoped that the General Comment on the right to adequate food could be submitted to the next session of the Committee on Food Security at the end of May 1999.

67. Mr. SADI said that now that that important General Comment had been adopted, the question was how to make it operational. He wondered whether Mr. Moore and Mr. Windfuhr had any suggestions to make in that connection. Perhaps the FAO, in particular, could draw attention to the General Comment and incorporate it in its policies and objectives.

68. The CHAIRPERSON assured Mr. Moore that he would soon receive the final version of the document.

69. Mr. MOORE (FAO) said that the working relationship between the Committee on World Food Security and the Committee on Economic, Social and Cultural Rights was essential, and he invited the Committee to come to the next session of the Committee on World Food Security and present the General Comment itself.

The meeting rose at 12.55 p.m.